

REMARKS

Claims 1, 4-15, and 17, as amended, and new claims 21-38 are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 1 and 14 have been rewritten to include the subject matter previously recited in canceled claims 2-3 and 16, respectively. In addition, dependent claims 4-5 and 8-9 have been amended for consistency with the independent claims. Claim 11 has also been rewritten to provide proper antecedent basis.

As briefly mentioned above, new claims 21-38 have been added. As now provided in the Cross-Reference to Related Applications section, the priority claim for this application begins with the June 7, 1995 filing date for U.S. Patent No. 5,688,191 ('191 patent). As such, support for the new claims may be found in the original '191 patent, subsequent patents in the family, or the Specification as follows:

Claim(s)	Support
21	'191 patent at Col. 5, lines 25-30 and 66-67 and Col. 8, lines 26-32
22-24	'191 patent at Col. 4, lines 35-45
25, 30, 36	Specification at Page 4, lines 27-31
26	Specification at Page 14, lines 12-13
27	Specification at Page 6, lines 11-16
28-29	'191 patent at Col. 4, lines 27-34, Col. 5, lines 66-67 and Col. 7, lines 21-27
31, 37-38	Specification at Page 5, lines 23-25
32	'191 patent at Col. 6, lines 59-60
33, 35	Specification at Page 15, lines 26-28
34	'676 patent at Col. 7, lines 5-17 and Col. 8, lines 44-45

As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

PRIORITY CLAIM

The Examiner objected to the priority claim because application nos. 08/482,522 ('191 patent) and 08/603,057 ('676 patent) were not pending at the time of filing the 09/404,146 application ('715 patent). Applicant respectfully submits that the amended priority claim now reflects the priority claim that appears on the face of the parent '715 patent, which is included herewith as Appendix A for the Examiner's convenience. Thus, Applicants submit that the amended priority claim is intact and that a portion of the claims, as discussed above, are supported by the original '191 patent disclosure.

REJECTIONS UNDER 35 U.S.C. § 112

Claim 11 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, claim 11 has been rewritten to provide proper antecedent basis in the claim. Thus, Applicants respectfully submit that the § 112 rejection based thereon is overcome.

DOUBLE PATENTING REJECTIONS

The Examiner rejected claims 11 and 15 under 35 U.S.C. § 101 for double patenting. In light of the amendments to claims 1 and 14, from which claims 11 and 15 depend, Applicants respectfully submit that the § 101 rejection is overcome.

In addition, claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-22 of the parent '715 patent. Applicants submit herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c).

Thus, Applicants respectfully request reconsideration and withdrawal of the double patenting rejections.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claim 18 was rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,674,751 to Molitor *et al.* In addition, claims 18-20 were rejected under § 103(a) as obvious over the Molitor '751 patent in view of U.S. Patent No. 5,929,189 to Ichikawa *et al.* The Examiner also rejected claims 1-2, 8-10, and 12-13 under § 103(a) as being obvious over the Molitor '751 patent in view of U.S. Patent No. 4,141,559 to Melvin *et al.* Finally, claims 14 and 17 were rejected under § 103(a) as obvious over U.S. Patent No. 6,129,640 to Higuchi *et al.* in view of U.S. Patent No. 5,971,870 to Sullivan *et al.*

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In light of the cancellation of claims 18-20, Applicants respectfully submit that the rejections based on the Molitor '751 patent are moot. In addition, because claims 1 and 14 have been amended to include subject matter indicated by the Examiner to be allowable, *i.e.*, claims 3 and 16, respectively, Applicants respectfully submit that the remaining obviousness rejections based on the Molitor '751 patent and the Higuchi '640 patent are also moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the §§ 102 and 103 rejections.

NEW CLAIMS ADDED WITH THIS RESPONSE

As discussed above, claims 21-38 have been added with this response. Of the three independent claims, claims 21 and 28 are supported by the '191 patent's June 1, 1995 filing date and claim 34 is supported by the '676 patent's February 16, 1996 filing date. As such, the Ichikawa '189, Higuchi '640, and Sullivan '870 patents are not available as prior art to these claims. In addition, the Molitor '751 and Melvin '559 patents do not disclose or suggest the golf ball recited in all of the new independent claims.

Therefore, Applicants respectfully submit that claims 21-38 are in condition for allowance.


CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Fee Sheet Transmittal is submitted herewith to pay for the Terminal Disclaimer and claims added with this Response. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127, Order No. 20002.0230.

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN LLP

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APPENDIX A
FACE OF THE '715 PATENT

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